EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2008-1892-PST-E

TCEQ ID: RN102357464 CASE NO.: 36903

RESPONDENT NAME: NN BUSINESS, INC.

ORDER TYPE:		
X 1660 AGREED ORDER	FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING
FINDINGS DEFAULT ORDER	SHUTDOWN ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
AMENDED ORDER	EMERGENCY ORDER	
CASE TYPE:		
AIR	MULTI-MEDIA (check all that apply)	INDUSTRIAL HAZARDOUS WASTE
PUBLIC WATER SUPPLY	X PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION
WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION
TYPE OF OPERATION: Convenience store SMALL BUSINESS: _X Yes No OTHER SIGNIFICANT MATTERS: There facility location. INTERESTED PARTIES: No one other that COMMENTS RECEIVED: The Texas Regard CONTACTS AND MAILING LIST:	То	conal pending enforcement actions regarding this terest in this matter. 9. No comments were received. 512) 239-0675 19 20ction, MC 149, (512) 239-2134 21 R-14, (361) 825-3106 22 et, Corpus Christi, Texas 78409

RESPONDENT NAME: NN BUSINESS, INC. DOCKET NO.: 2008-1892-PST-E

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation:	Total Assessed: \$ 6,676	Corrective Actions Taken: The Executive Director recognizes that
Complaint X Routine Enforcement Follow-up Records Review	Total Deferred: \$0 Expedited Order Financial Inability to Pay SEP Conditional Offset	the Respondent performed the following corrective actions at the Facility: 1. On December 5, 2008, tested and inspected the cathodic protection
Date of Complaint Relating to this Case: None Date of Investigation Relating to this Case:	Total Paid/Due to General Revenue: \$351/\$6,325 The Respondent paid \$351 of the	system (violation 5); 2. On October 1, 2008, began reconciliation of detailed inventory control records at least once each
Date of NOE Relating to this Case: November 25, 2008	administrative penalty. The remaining amount of \$6,325 shall be payable in 23 monthly payments of \$275 each.	month (violation 3); 3. On October 1, 2008, began conducting and recording inventory
Background Facts: The EDPRP was filed April 29, 2009. The Respondent filed an answer and the case was referred to SOAH. Settlement was achieved and the Agreed Order was signed on August 7, 2009.	Site Compliance History Classification High X Average Poor Person Compliance History Classification	volume measurements for regulated substance inputs, withdrawals, and amounts still remaining in the tanks each operating day (violation 1 and 4); and
Current Compliance Status: No outstanding Technical Requirements.	High _X_ Average Poor Major Source: Yes _X_ No	4. On January 20, 2009, implemented release detection for the UST system at the Facility (violation 2).
PST: 1. Failed to conduct effective manual or automatic inventory control procedures for the UST system [30 Tex. ADMIN. CODE § 334.48(c)].	Applicable Penalty Policy: September 2002	
2. Failed to monitor USTs for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring) [30 Tex. ADMIN. CODE § 334.50(b)(1)(A) and Tex. WATER CODE § 26.3475(c)(1)].		
3. Failed to conduct reconciliation of detailed inventory control records at least once each month, sufficiently accurate to detect a release which equals or exceeds the sum of 1% of the total substance flow through for the month plus 130 gallons [30 Tex. ADMIN. CODE § 334.50(d)(1)(B)(ii) and Tex. WATER CODE § 26.3475(c)(1)].		
4. Failed to record inventory volume measurements for regulated substance inputs, withdrawals, and the amounts still remaining in the tanks each operating day [30 Tex. ADMIN. CODE § 334.50(d)(1)(B)(iii)(I) and Tex. WATER CODE § 26.3475(c)(1)].		
5. Failed to have the cathodic protection system inspected and tested for operability and adequacy of protection at a frequency of at least once every three years [30 Tex. ADMIN. CODE § 334.49(c)(4) and Tex. WATER CODE § 26.3475(d)]		

Reflex Revision 6 (Con	Penalty Calcul	ation V	Vork	sheet (F		Povinian October 30, 2008
Policy Revision 2 (Sept	tember 2002)				FOWF	Revision October 30, 2008
DATES Assigned PCW	1-Dec-2008 8-Apr-2009 Screening 5-Dec-	-2008 EI	PA Due			
RESPONDENT/FACILITY Respondent Reg. Ent. Ref. No.	NN Business, Inc.					
Facility/Site Region	14-Corpus Christi	eta a resigi	Major/	Minor Source	e Minor	ser
	36903 2008-1892-PST-E Petroleum Storage Tank	STATE OF	vernme	ent/Non-Profi f. Coordinato	s 3 e 1660 t No r Suzanne Walran	Line Section 1985 Line Section 1985 Heropal 1, 1985
Admin. Penalty \$ I	_imit Minimum \$0 Maximu	ım \$10	0,000			
	Penalty Ca	loulation	. 500	tion		
-a-a baa-bena						\$7,500
O AL BASE PENAL	TY (Sum of violation base pe	maities)			Subtotal 1	\$7,500
ADJUSTMENTS (+/-)	TO SUBTOTAL 1 ned by multiplying the Total Base Penalty (Subto	otal 1) by the inc	licated ne	rcentane		
Compliance Histo		0.0% Enha		Sub	totals 2, 3, & 7	\$0
Notes	No change due to average	performer c	lassifica	tion.		•
Culpability	No	0.0% Enha	ncement		Subtotal 4	\$0
Notes	The Respondent does not n	neet the culp	ability cr	iteria.		·
Good Faith Effor	t to Comply Total Adjustments				Subtotal 5	\$1,125
		0.00/			Subtotal 6	\$0
Economic Benefi Approx.	Total EB Amounts \$311 Cost of Compliance \$4,290	0.0% Enhan *Capped at the		\$ Amount	Suptotar o	
SUM OF SUBTOTAL	S1-7				Final Subtotal	\$6,375
	S JUSTICE MAY REQUIRE ubtotal by the indicated percentage.		4.7%		Adjustment	\$301
Notes	An upward adjustment is recomme Violation		ided tes	ting costs for		
		er v marya est ear		Final Pe	enalty Amount	\$6,676
STATUTORY LIMIT A	DJUSTMENT			Final Ass	essed Penalty	\$6,676
DEFERRAL			0.0%	Reduction	Adjustment	\$0
	alty by the indicted percentage. (Enter number	only; e.g. 20 for				
Noteş	No deferral recommended	for non expe	edited ca	ises.	The second secon	

\$6,676

PAYABLE PENALTY

Screening Date 5-Dec-2008

Docket No. 2008-1892-PST-E

PCW

Policy Revision 2 (September 2002) PCW Revision October 30, 2008

Respondent NN Business, Inc.

Case ID No. 36903

Reg. Ent. Reference No. RN102357464

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Suzanne Walrath

Compliance History Worksheet

Component	Site Enhancement (Subtotal 2) Number of	Enter Number Here	Adjust.	• • • • • • • • • • • • • • • • • • •
	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%	
	Other written NOVs	0	0%	
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%	
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denia of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%	
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)		0%	
Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federa government		0%	
Convictions	Any criminal convictions of this state or the federal government (number of counts)		0%]
Emissions	Chronic excessive emissions events (number of events)	0.00	0%]
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)		0%	
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	U	0%	
F. C. Haves Bales, FTG	Plea	se Enter Yes or No		1
	Environmental management systems in place for one year or more	No	0%]
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	• No	0%	
	Participation in a voluntary pollution reduction program	No	0%	1
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%	
	Adjustment F	Percentage (Su	ıbtotal 2)	0%
eat Violator (Su	btotal 3)			
No.	Adjustment F	Percentage (Su	ibtotal 3)	0%
pliance History	Person Classification (Subtotal 7)			
Average Po	Adjustment F	ercentage (Su	btotal 7)	0%
pliance History	Summary Summary			
Compliance History Notes	No change due to average performer classification.			

PCW	Docket No. 2008-1892-PST-E	reening Date 5-Dec-2008		
vision 2 (September 2002) Revision October 30, 2008	PCW	Respondent NN Business, Inc. Case ID No. 36903 eference No. RN102357464 edia [Statute] Petroleum Storage Tank Coordinator Suzanne Walrath olation Number 1	Case ID No. Ent. Reference No. Media [Statute]	Reg
	30 Tex. Admin. Code § 334.48(c)		Rule Cite(s) Violation Description	
	inderground storage tank ("UST") system.			
\$10,000	Base Penalty [00000-00000000000000000000000000000000	
		I, Property and Human Health Ma Harm Release Major Moderat Actual Potential x	Release Actua	>> Enviro
		Matrix Falsification Major Moderat	nmatic Matrix Falsification	>>Prograr
	r could be exposed to pollutants which would exceed levels that or environmental receptors as a result of the violation.			
\$2,500	Adjustment \$7,500			
	L		Events	Violation I
	Number of violation days	Number of Violation Events	Number of V	
\$2,500		mark only one with an x Maily weekly monthly quarterly semiannual annual single event		
	ased on documentation of the violation during the September 29, to the compliance date (October 1, 2008)		One quarterly	
\$625	Reduction NOV to EDPRP/Settlement Offer (mark with x) espondent achieved compliance for this violation on October 1, 2008.	Extraordinary Ordinary N/A	h Efforts to Comply	Good Fait
\$1,875	Violation Subtotal			
	Statutory Limit Test	t (EB) for this violation	Benefit (EB) for this	Economic
\$1,964	\$0 Violation Final Penalty Total	Estimated EB Amount	Estimate	
\$1,964	This violation Final Assessed Penalty (adjusted for limits)			

Violation No.	Petroleum Stor 1	age Tank				Percent Interest	Years of Depreciation
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	5.0 Onetime Costs	EB Amou
item Description							
anniadhningiaidh an chainn a cheann an c		enerosone ad las vierbonenes adeles	earea ereba erebakubbeka				
Delayed Costs Equipment				7 0.00	\$0	\$0	\$0
Equipment Buildings				0.00	\$0	\$0	\$0 \$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land		100 July 100	and the state of the state of	0.00	\$0	n/a	\$0
Record Keeping System	\$500	29-Sep-2008	1-Oct-2008	0.01	\$0	n/a	\$0
Training/Sampling	All the fact of			0.00	\$0	n/a	\$0
Remediation/Disposal		The state of the state of	1.000	0.00	\$0	n/a	\$0
Permit Costs	1.7.8	No special in the first of		0.00	\$0	n/a	\$0
Other (as needed)	1.2	and the second	na moderna i je mili	0.00	\$0	n/a	\$0
		i di ji	inal Date is the da	ate comp	liance was achiev	ed.	
Notes for DELAYED costs Avoided Costs	ANN	IUALIZE [1] avoide	ed costs before e			one-time avoided o	
Avoided Costs Disposal	ANN	UALIZE [1] avoide	a de la composición	0.00	.\$0	\$0 ***	\$0
Avoided Costs Disposal Personnel	E Terruniya	UALIZE [1] avoide	ed costs before e	0.00	\$0 \$0	\$0 * 50 \$0 * 50	\$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	ANN	IUALIZE [1] avoide		0.00 0.00 0.00	\$0 \$0 \$0	\$0 * 30 50 * 30 \$0 * 30	\$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	1 2		a de la composición	0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	1 2			0.00 0.00 0.00	\$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	1 2			0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0

Respondent. NN Business, Inc. Grae ID No. 39303 Reg. Ent. Refrence No. PM02357444 Media [Statute] Petroleum Storage Tank Ent. Coordinator Sustame Whath Violation Business (Statute) Petroleum Storage Tank Ent. Coordinator Sustame Whath Violation thumber (Statute) Petroleum Storage Tank Fine Cliefe 20 Tax Amin. Code § 394.50(p)(1)(A). (b)(1)(B)(g) and (li)(g) and Tax. Water Code § 20 Tax Amin. Code § 394.50(p)(1)(A). (b)(1)(B)(g) and (li)(g) and Tax. Water Code § 20 Tax Amin. Code § 394.50(p)(1)(A). (b)(1)(B)(g) and (li)(g) and Tax. Water Code § 20 Tax Amin. Code § 394.50(p)(1)(A). (b)(1)(B)(g) and (li)(g) and Tax. Water Code § 20 Tax Amin. Code § 394.50(p)(1)(A). (b)(1)(B)(g) and (li)(g) and Tax. Water Code § 20 Tax Amin. Code § 394.50(p)(1)(A). (b)(1)(B)(g) and (li)(g) and Tax. Water Code § 20 Tax Amin. Code § 394.50(p)(1)(A). (b)(1)(B)(g) and (li)(g) and Tax. Water Code § 20 Tax Amin. Code § 394.50(p)(1)(A). (b)(1)(B)(g) and (li)(g) and Tax. Water Code § 20 Tax Amin. Code § 394.50(p)(1)(A). (b)(1)(B)(g) and (li)(g) and Tax. Water Code § 20 Tax Amin. Code § 394.50(p)(1)(A). (b)(1)(B)(g) and (li)(g) and Tax. Water Code § 20 Tax Amin. Code § 394.50(p)(1)(A). (b)(1)(B)(g) and (li)(g) and Tax. Water Code § 20 Tax Amin. Code § 394.50(p)(1)(A). (b)(1)(B)(g) and (li)(g) and Tax. Water Code § 20 Tax Amin. Code § 394.50(p)(1)(A). (b)(1)(B)(g) and (li)(g) and Tax. Water Code § 20 Tax Amin. Code § 394.50(p)(1)(A). (b)(1)(B)(g) and (li)(g) and Tax. Water Code § 20 Tax Amin. Code § 394.50(p)(1)(A). (b)(1)(B)(g) and (li)(g) and Tax. Water Code § 20 Tax Amin. Code § 394.50(p)(1)(A). (b)(1)(B)(g) and (li)(g) and Tax. Water Code § 20 Tax Amin. Code § 394.50(p)(1)(A). (b)(1)(B)(g) and (li)(g) and Tax. Water Code § 20 Tax Amin. Code § 394.50(p)(1)(A). (b)(1)(B)(g) and (li)(g) and Tax. Water Code § 20 Tax Amin. Code § 394.50(p)(1)(A). (b)(1)(B)(g) and (li)(g) and Tax. Water Code § 20 Tax Amin. Code § 394.50(p)(1)(A) (b)(1)(B)(g) and (li)(g) and Tax. Water Code § 20 Tax Amin. Code § 394.50(p)(1)(A) (b)(B)(B) and (li)(g) and Tax.					
Reg. Ent. Reference No. 8 Milozos Rederence No. 8 Milozos Responsibility of Percental Statuted Percent Sta	PCV				
Reg. Ent. Reference No. RNI 02307494 Media (Statuta) Perclam Strange Tank Ent. Coordinator Suzame Waisth Violation Number 2 Rule Cite(s) Felled to marrier LST 5 or release at a frequency of at least once every morels (out to easy more) for field inventory control records at least once each morth, sufficiently accorate to defend a release when the regulate or control records at least once each morth, sufficiently accorate to defend a release when the regulate or control records at least once each morth, sufficiently accorate to defend a release when the regulate or control records at least once each morth, sufficiently accorate to defend a release when the regulate or control records at least once each morth, sufficiently accorate to defend a release when the regulate or control records at least once each morth, sufficiently accorate to defend a release which regulate or concess the sum of 11% of the bias substance regulated inventory control records at least once each morth, sufficiently accorate in regulated when the result or records at least once each morth, sufficiently accorate in regulated when the result or records and the regulated day. Base Penalty Base Penalty Frogrammatic Matrix Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation. Notes Number of Violation Events Number of Violation Events Number of Violation Events One quarterly event is recommended based on documentation of the violation during the September 29, 2006 meetingshow to case exceeding date (December 5, 2009). Od-Faith Efforts to Comply Frogrammatic events is recommended based on documentation of the violation during the September 29, 2006 meetingshow to case exceeding date (December 5, 2009). One of Faith Efforts to Comply Frogrammatic events is recommended based on documentation of the violation during the September 29, 2009 meetingshow to case exceeding date (December 5, 2009). The Pro	• •				
Media Statutop Petroleum Storage Tank Enf. Goordinator Suzamone Warath Violation Number 2 30 3475(c)(1) 30 10 x Admin. Code § 334.50(b)(1)(A), (0)(1)(B)(h) and (0)(1) and Tex. Water Code § 28.3475(c)(1) 20 3475(c)(1) 20	Revision October 30, 20		A CONTRACTOR OF THE PROPERTY O		
Enf. Coordinator Suzane Water Violation Number 2 Rule Cite(s) 8		of the state of th	Barthair transform or many market and com-	Tarantai, taranida	Reg
Violation Number Rule Cite(s) R					
Rule Cite(s) 30 Tex. Admin. Code § 334.50(p)(1)A, (ii()(1)(p)) and (iii()) and Tex. Water Code § 23.475(c)(1) Falled to monitor USTs for releases at a frequency of at least code every monitors of desired outcode \$ (as personnel outcome). Falled to every monitors of desired outcode \$ (as personnel outcome). Falled to every monitors of desired outcome follation ou					
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Matrix Notes Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation. Adjustment \$7,500 \$2,5 Section Events Section Event					
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Comply C			1 S S S S S S S S S S S S S S S S S S S		
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This violation Final Assessed Penalty (adjusted for limits) \$2,3	\$2,3	s violation Statutory/Limit Test		Denem	onomic
		s violation Statutory Limit Test ed EB Amount \$10 Violation Final Penalty Total		Delleik	onomic

3.00

Case ID No.	36903	nc.					
Reg. Ent. Reference No. Media Violation No.	Petroleum Stor	age Tank				Percent Interest	Years of Depreciation
VIOIAUOT NO.						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
ltem Description	No commas or \$						
Delayed Costs							
Equipment	\$3,000	29-Sep-2008	1-Oct-2008	0.01	\$0	\$1	\$1
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	and the constitution is	and the second	*	0.00	\$0	\$0	\$0
Engineering/construction		2,000,000,000,000		0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	With death to			0.00	\$0	n/a	\$0
Training/Sampling	<u></u>	Market in the	<u> </u>	0.00	\$0	n/a	\$0
Remediation/Disposal	<u> </u>	rane ne dadiené	we have a second	0.00	\$0	n/a	\$0
Permit Costs	27			∄ 0.00 ∄	\$0	n/a	\$0
l l	reconciliation o	f inventory control r	ecords, and recor	0.31 ases, imp	\$8 Diement a release Dry volume measu	n/a detection system,.co	\$8 onduct monthly seach operating
	Estimated cos reconciliation o day. The date	at to monitor the US f inventory control r required is the date illation of the invent	T system for release ecords, and record of the investigat ory control record	0.31 ases, imp d invento ion. The is and the	\$8 blement a release bry volume measu final dates are the	n/a detection system, correments in the tanks a date compliance we ment recording, and	\$8 onduct monthly seach operating as achieved for
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	ng Date 5-Dec-2008		ket No. 2008-1892-PST-E	PCW
	pondent NN Business, I e ID No. 36903	nc.		Policy Revision 2 (September 2002 PCW Revision October 30, 200
	ence No. RN102357464			1 Over Novision Coloses Co., 200
£11111111111111111111	Statute] Petroleum Stor	age Tank		
	rdinator Suzanne Walra	ath		1
ì	n Number 3			
, , ,	30 Te	ex. Admin. Code § 334.49(c)(4) a	and Tex. Water Code § 26.3475(d)
` Violation Do			n inspected and tested for operal of at least once every three year	
			Ва	se Penalty \$10,000
>> Environmental, Pro	perty and Human He			
	Release Major	Harm Moderate Minor		
OR	Actual	Habita Islanda (1907)		: •
	Potential x	un amijni (ken ili jinista) ili kali ili ili	Percent 25%	
>>Programmatic Matr	iy			
	sification Major	Moderate Minor		· -
		Prejection # Property 1	Percent 0%	
			II B PDANKIL AB LANDINGKAL BWAKA	Alternasy's act
			ollutants which would exceed lev	els that are
Notes	protective of numa	an health or environmental recep	tors as a result of the violation	
				67.500
			Adjustment	\$7,500
		,		\$2,50
Violation Events				
ViolationsEvents				
Nu	ımber of Violation Events		Number of violation da	ys
	daily			
	weekly			
	rk only one vith an x Semiannual	102 (12 2 10 0 1 10 17 18 18 18 1 10 18 18 18 18 18 18 18 18 18 18 18 18 18	Violation Ba	se Penalty \$2,500
	single event	X		•
	One single event is recon	nmended for the three year perio investigation.	d preceeding the September 29,	2008
Good Faith Efforts to	Comply	10.0% Reduction Before NOV NOV to EDPRP/Settle	mont Office	. \$250
***	Extraordinary		ment Offer	•
	Ordinary			· ·
	N/A	(mark with x)		•
	. Notes		ompliance for this violation on r 5, 2008.	
	Ŀ	<u>.</u>	Violatio	n Subtotal \$2,250
Economic Benefit (EB) for this violation		Statutory Limit Te	est
	Estimated EB Amount	\$301	. Violation Final Pe	nalty Total \$2,350
**************************************	_	This violation Fig.	nal Assessed Penalty (adjusted	
		m violation fil	iai noocooca i chally (aujusteu	(io) minis)[

	NN Business, I 36903	110.					
Reg. Ent. Reference No.	i	T!·					Years of
Wedia Violation No.	Petroleum Stor	age rank				Percent Interest	Depreciation
violation No.						5.0	philosof Patricular technological Int
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	1: EB Amount
Item Description		l ac velotare librario di 1965 di Più	Filial Date		milerest Saveu	Onetime Costs	EB Allibuilt
rem negabilon	No commas or \$						
Delaved Costs	1992209009009						
Equipment		1 1 4 4 4 4 4 1		0.00	\$0 11 11 4	\$0	\$0
Buildings	44.5			0.00	\$0	\$0	\$0
Other (as needed)	a 10 a 11		Service Control of the Control	0.00	\$0	\$0	\$0
Engineering/construction		ALCONO HOUSE	The state of the s	0.00	\$0	\$0	\$0
Land			The state of the s	0.00	\$0	n/a	\$0
Record Keeping System			Section 1991	0.00	\$0	n/a	\$0
Training/Sampling			The state of the s	0.00	\$0	n/a	\$0
Remediation/Disposal	A STATE OF THE STATE OF		A province	0.00	\$0.	n/a	\$0
Permit Costs	ari, 1 Trajinat	5.4 10.5	gradient construction	0.00	\$0	n/a	\$0
Other (as needed)	articles and an effective		1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	0.00	\$0	n/a	\$0
Notes for DELAYED costs Avoided Costs	ANI	NUALIZE [1] avoid	led costs before	entering	item (except for	one-time avoided c	osts)
Disposal	to grant states of	and the second second		0.00	\$0	\$0	\$0
Personnel	wy's a	and the second second	a an american program of	0.00	\$0	** \$ 0 - *** \$	\$0
	-1.16		1384 N. B. 477	0.00	\$0	11 to 20 \$0 Note: 18	\$0
Inspection/Reporting/Sampling	V. (#10.00) #(10.00)	L Diesel et la 11	and the figure for a	0.00	WT = \$0 = 4 C.	\$0	\$0
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		7 00 0005	5-Dec-2008	4.10	\$51	\$250	\$301
Supplies/equipment	\$250	29-Sep-2005	T 7.3.3.2.2.3.3				\$0
Supplies/equipment Financial Assurance [2]	\$250	29-Sep-2005		0.00	\$0	\$0	<u> </u>

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Compliance History Report

Customer/Respondent/Owner-Operator:

CN602936940

NN Business, Inc.

Classification: AVERAGE

Rating: 3.01

Regulated Entity:

RN102357464

NN BUSINESS

Classification: AVERAGE

Site Rating: 3.01

BY DEFAULT

ID Number(s):

PETROLEUM STORAGE TANK

REGISTRATION

18571

Location:

REGISTRATION 2214 LEOPARD ST, CORPUS CHRISTI, TX, 78408

TCEQ Region:

REGION 14 - CORPUS CHRISTI

Date Compliance History Prepared:

December 05, 2008

Agency Decision Requiring Compliance History: Enforcement Compliance Period:

December 05, 2003 to December 05, 2008

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name:

Suzanne Walrath

239 - 2134

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period?

Yes

2. Has there been a (known) change in ownership of the site during the compliance

No

period?

3. If Yes, who is the current owner? 4. if Yes, who was/were the prior owner(s)? N/A N/A

5. When did the change(s) in ownership occur?

N/A

6. Rating Date: 9/1/2008 Repeat Violator: NO

Components (Multimedia) for the Site:

Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government. A.

N/A

Any criminal convictions of the state of Texas and the federal government. В.

C. Chronic excessive emissions events.

N/A

The approval dates of investigations. (CCEDS Inv. Track. No.) D.

1 11/25/2008

(704164)

Written notices of violations (NOV). (CCEDS Inv. Track. No.) E.

N/A

F. Environmental audits.

G. Type of environmental management systems (EMSs).

Н. Voluntary on-site compliance assessment dates.

N/A

Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
NN BUSINESS, INC.;	§ .	
RN102357464	§	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2008-1892-PST-E

I. JURISDICTION AND STIPULATIONS

At its ______ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding NN Business, Inc. ("NN") under the authority of Tex. Water Code chs. 7 and 26. The Executive Director of the TCEQ, represented by the Litigation Division, and NN, represented by Brad Condit, Attorney at Law, appear before the Commission and together stipulate that:

- 1. NN operates a convenience store with retail sales of gasoline located at 2214 Leopard Street, Corpus Christi, Nueces County, Texas (the "Facility").
- 2. This Agreed Order is entered into pursuant to Tex. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to Tex. WATER CODE § 5.013 because it alleges violations of Tex. WATER CODE ch. 26 and TCEQ rules.
- 3. The Commission and NN agree that the Commission has jurisdiction to enter this Agreed Order, and that NN is subject to the Commission's jurisdiction.
- 4. NN received notice of the violations alleged in Section II ("Allegations") on or about November 30, 2008.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by NN of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

- An administrative penalty in the amount of six thousand six hundred seventy-six dollars 6. (\$6.676.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). NN paid three hundred fifty-one dollars (\$351.00) of the administrative The remaining amount of six thousand three hundred twenty-five dollars nenalty. (\$6,325.00) of the administrative penalty shall be payable in 23 monthly payments of two hundred seventy-five dollars (\$275.00) each. The first monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall be paid not later than 30 days following the due date of the previous payment. If NN fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, including the payment schedule, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, NN's failure to meet the payment schedule of this Agreed Order constitutes the failure by NN to timely and satisfactorily comply with all of the terms of this Agreed Order
- 7. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director of the TCEQ and NN agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 9. The Executive Director recognizes that NN has implemented the following corrective measures at the Facility:
 - a. On December 5, 2008, tested and inspected the cathodic protection system;
 - b. On October 1, 2008, began reconciliation of detailed inventory control records at least once each month;
 - c. On October 1, 2008, began conducting effective manual or automatic inventory control procedures for the UST system.
 - d. On October 1, 2008, began conducting and recording inventory volume measurements for regulated substance inputs, withdrawals, and amounts still remaining in the tanks each operating day; and
 - e. On January 20, 2009, implemented release detection for the UST system at the Facility.
- 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if

the Executive Director determines that NN has not complied with one or more of the terms or conditions in this Agreed Order.

- 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

- 1. During an investigation conducted on September 29, 2008, a TCEQ Corpus Christi Regional Office investigator documented that NN violated the following requirements:
 - a. 30 Tex. Admin. Code § 334.48(c) by failing to conduct effective manual or automatic inventory control procedures for the UST system.
 - b. 30 Tex. ADMIN. CODE § 334.50(b)(1)(A) and Tex. WATER CODE § 26.3475(c)(1) by failing to monitor USTs for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring).
 - c. 30 Tex. ADMIN. Code § 334.50(d)(1)(B)(ii) and Tex. Water Code § 26.3475(c)(1) by failing to conduct reconciliation of detailed inventory control records at least once each month, sufficiently accurate to detect a release which equals or exceeds the sum of 1% of the total substance flowthrough for the month plus 130 gallons.
 - d. 30 Tex. Admin. Code § 334.50(d)(1)(B)(iii)(I) and Tex. Water Code § 26.3475(c)(1) by failing to record inventory volume measurements for regulated substance inputs, withdrawals, and the amounts still remaining in the tanks each operating day.
 - e. 30 Tex. Admin. Code § 334.49(c)(4) and Tex. Water Code § 26.3475(d) by failing to have the cathodic protection system inspected and tested for operability and adequacy of protection at a frequency of at least once every three years.

III. DENIALS

NN generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that NN pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and NN's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from considering or requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: NN Business, Inc., Docket No. 2008-1892-PST-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. The provisions of this Agreed Order shall apply to and be binding upon NN. NN is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 3. This Agreed Order, issued by the Commission, shall not be admissible against NN in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 4. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
- 5. Under 30 Tex. Admin. Code § 70.10(b) and Tex. Gov't Code § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Order to NN, or three days after the date on which the Commission mails notice of the Order to NN, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

NN Business, Inc. Docket No. 2008-1892-PST-E Page 5

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission
Johnson Penlu 9/23/09
For the Executive Director Date
I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.
 I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in: A negative impact on NN's compliance history; Greater scrutiny of any permit applications submitted by NN; Referral of this case to the Attorney General's office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency; Increased penalties in any future enforcement actions against NN; Automatic referral to the Attorney General's Office of any future enforcement actions against NN; and TCEQ seeking other relief as authorized by law.
In addition, any falsification of any compliance documents may result in criminal prosecution.
Signature Date
Nisar Ahmed President Name (Printed or typed) Title Authorized representative of NN Business, Inc.